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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,737	10/20/2003	Shotaro Mochizuki	2003_1428A	9264

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EXAMINER

NGUYEN, SON T

ART UNIT PAPER NUMBER

3643

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,737

Applicant(s)

MOCHIZUKI, SHOTARO

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 5-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5 & 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US 3969268) in view of Skwiercz et al. (US 6682673).

Fukuda et al. teach a method of manufacturing a granulated body for absorbing excrement of animals, comprising: providing dry bamboo to obtain dry bamboo fibers (col. 2, line 14); providing paper to obtain paper pulp fibers (col. 2, line 11); mixing the dry bamboo fibers with the paper pulp fibers while adding moisture so that the moisture is absorbed by the dry bamboo fibers, to thereby form a resultant mixture (col. 2, lines 23-33); granulating the resultant mixture to form a wet granulated body (col. 2, lines 23-33, 60-68); and creating externally-opening pores in said body (col. 4, lines 60-68) such that the hot temperature penetrates said body and causes moisture in said body to transpire outwardly from said body so as to form transpiring paths that constitute said externally-opening pores. However, Fukuda et al. are silent about pulverizing the dry bamboo to create the bamboo fibers, pulverizing the paper to create paper fibers, and in the step of creating externally-opening pores by blowing hot air to said body to create the pores. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the steps of pulverizing dry bamboo and pulverizing

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paper in the method of Fukuda et al. for such steps are notoriously well known in the art to grind the dry bamboo and paper into fibers for use in absorbing application such as litter.

Skwiercz et al. teach a method of manufacturing a granulated body for absorbing excrement of animals in which they employ a recirculating air oven at 200 degree C (col. 6, lines 1-4) to heat the body to dry the body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a recirculating air over at 200 degree C as taught by Skwiercz et al. to dry the body in the method of Fukuda et al. to create pores, for such equipment is notoriously well known in the art to be used to dry wet granulated body for making litter material.

3. **Claims 7 & 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Medoff et al. (US 6448307).

Medoff et al. teach a method of manufacturing a granulated body for absorbing excrement of animals, comprising: shredding dry bamboo to obtain dry bamboo fibers (col. 5, under "Preparation of Texturized Fiber", applicable to bamboo too because bamboo was listed as one of the texturized fiber, col. 4, line 31); shredding paper to obtain paper pulp fibers (col. 5, under "Preparation of Texturized Fiber"), providing the dry bamboo fibers and the paper pulp fibers as chief materials; combining a water-sensitive coagulant powder (col. 3, line 25-35, in powder form) together with the dry bamboo fibers and the paper pulp fibers and admixing the water-sensitive coagulant powder (col. 6, lines 16-29), the dry bamboo fibers and the paper pulp fibers in a non-hydraulic state, to thereby form a resultant mixture; and compression-molding (col. 7,

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lines 5-17) the resultant mixture to form a granulated body having a fixed shape with a porous structure (col. 4, lines 56-60, a lattice network is consider porous structure).

However, Medoff et al. are silent about pulverizing the bamboo and paper. It would have been an obvious substitution of functional equivalent to substitute shredding the bamboo/paper as taught by Medoff et al. with pulverizing the bamboo/paper, since both steps would result in the bamboo and paper being formed into pulp fibers.

Response to Arguments

4. Applicant's arguments with respect to claims 5-6 have been considered but are moot in view of the new ground(s) of rejection. Argument regarding claims 7-8 with Medoff et al. will be addressed herein.

Applicant argued that Medoff does not teach the bamboo fibers being mixed with a water sensitive coagulant powder in a non-hydraulic state, and then the resultant mixture is compression-molded to form the body having a fixed shape with a porous structure.

Col. 3, lines 25-35 of Medoff et al. teach a powder coagulant that can be mixed with the bamboo (taught in col. 4, line 31) in a non-hydraulic state. Col. 6, lines 35-65 teaches various molding method, which the bulk molding method does produces a wet claying material, non-hydraulic; however, this method is an option and does not have to be used if one does not wish. Other method like sheet molding does not produce a hydraulic state mixture like that of the bulk molding. Special thickeners are added to make the composition more viscous, thus, are not clay like or wetted (col. 6, lines 51-

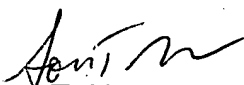
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60). In addition, as stated in col. 4, lines 57-60, the resulting composition is a lattice network, which a lattice is a porous structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 703-305-0765. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Son T. Nguyen
Primary Examiner
Art Unit 3643

stn